(4)

IN THE HIGH COURT OF JUDICATURE AT JABALPUR ,M.P. (4)

WRIT PETITION NO. 4056 OF 1998

PETITION UNDER ARTICLE 226 AND 227 OF CONSTITUTION OF INDIA

PETITIONER :- Rupdayal Sahu S/o Lumasram Sahu
Through Shankar Sen Akant Samadhan
Sewa Gunj Road Nawapara Rajim,
District Raipur, (MP).

VERSUS

NON-APPLICANTS :-

1. State of Madhya Pradesh
Through the Secretary,
Panchayat & Social Welfare
Department Vallabh Bhawan,
(MP).

2. The Director,
Panchayat and Social Welfare
Department of M.P.
Bhopal (MP).

3. Divisional Employment Officer
Special Employment Exchange
(for disabled persons) 184-B,
Napier Town, Jabalpur(MP).

4. The Collector, Raipur
District Raipur (MP).

5. National Employment Service
of Madhya Pradesh,
Through Employment Officer,
District Employment Exchange
Officer, Raipur, (MP).

6. The State Administrative
Tribunal, Raipur Bench
Raipur, M.P.

NOTARY
R. K. Diwan
Advocate-Notary
TAHSIL RAJIM
Distt. Raipur, M.P. India
Reg. No. MP. 27
Rajim/1/1-98
Government of Madhya Pradesh

20 AUG 1998

Signed Before me
20.8.98
R. K. Diwan
Notary/Advocate

DETAILS OF PETITION

1. Particulars of Petitioner :- As above in cause title.

2. PARTICULARS OF RESPONDENTS :- As above in cause title.

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(40)

आदेश पत्रक

मामला क्रमांक W.P.4056 सन् ~~200~~ 98

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	24-06-2003 Shri H.B. Agrawal, counsel for the petitioner. Shri Sanjay K. Agrawal, Dy. Advocate General, for the State/ respondent Nos. 1 and 4. Heard. The petitioner by this petition filed under Articles 226/227 of the Constitution of India has challenged the order dated 22-01-1998, passed by the State Administrative Tribunal, Bench Raipur in O.A.No.30/1998. Learned counsel for the petitioner states that the petitioner being Nirashrit Vikalang is not appointed by the State on compassionate ground. Learned Tribunal vide impugned order has held that since the petitioner is not in service and only the service matters as defined in Section 3 (q) of the Administrative Tribunals Act, 1985, can be taken up by the Tribunal and the petitioner is not a Government employee, this petition was misconceived and the Tribunal has no jurisdiction to entertain the application filed by the petitioner and rejected the same. As per the definition contained in Section 3 (q) of the Administrative Tribunals Act, 1985 all the service matters contained	

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

-2-

(44)

आदेश पत्रक

मामला क्रमांक W.P. No. 52 सन् ~~200~~ 98

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in this Section, the matters relating to the conditions of service in connection with the affairs of the union or of any State or of any local or other authority within the territory of India or under the control of the Government of India, or as the case may be, of any Corporation or Society owned or controlled by the Government, can be taken up by the Tribunal.

In this case, the petitioner is not in Government service and therefore, his case is not covered by the definition of service matters and the Tribunal has rightly rejected the application filed by the petitioner on the ground that the Tribunal has no jurisdiction.

In the result, we do not find any illegality or irregularity in the impugned order passed by the Tribunal and therefore, the petition has no force and the same is accordingly dismissed.

Sd/-
Chief Justice

Sd/-
L.C.BHADOO
Judge

[पीछे देखिये